

REMARKS

Prior to the present Amendment, claims 1-11, 13-15 and 17-22 are all the claims pending in the application. Claims 1-11, 13-15 and 17-22 stand rejected under 35 U.S.C. § 101. By this Amendment, Applicant has added new claims

I. Drawing and Specification Objections

The Examiner has objected to the drawings and the specification as allegedly containing several minor informalities. Applicant has amended the specification as suggested by the Examiner, in a manner believed to overcome the objections.

II. Claim Rejections under 35 U.S.C. § 101

Claims 1-11, 13-15 and 17-22 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter.

Despite rejecting the claims as allegedly directed to non-statutory subject matter, the Examiner concedes that one of ordinary skill at the time the invention was made would fairly and reasonably recognize that claims 1-11, 13-15 & 17-22 claim subject matter that performs functions that when taken as a whole provide the useful and beneficial function of determining the twist angle of a wire-like structure/bundle. *See* Office Action at page 8.

With regard to method claims 1-11, 14, 15, 18-20, apparatus claim 21, and computer-readable medium claims 13, 17 and 22, the Examiner maintains that one of ordinary skill at the time the invention was made could fairly and reasonably interpret the claims, when taken as a whole, as being directed to nothing more than a process for the abstract gathering and manipulation of data/information with out either: (1) a transformation of the collected and data/information into something other than data/information, or (2) a claimed practical application of the results of the gathering and manipulation of data/information, or (3) claimed

requirement that any of the recited structures or actions are present or would perform any function for any purpose not related to the manipulation of data/information.

The Examiner further maintains that claims 1-11, 13-15 & 17-22 recite an action/structure that one of ordinary skill at the time the invention was made would fairly and reasonably recognize as implying the performance of the function of outputting, for example displaying, the results of some of the processing of claims to an operator/user by using the phrase "outputting" or "displaying". However, the Examiner considers this recitation to be an insignificant concrete and tangible practical application of the result of the processing recited in these claims because one of ordinary skill at the time the invention was made would recognize the claimed invention fails to positively require that the displayed data/information be used in any manner to achieve the utility of the invention.

With specific regard to claims 13, 17 & 22, the Examiner contends that these claims are directed to a storage device containing "program" or "code" or "instructions" that recite steps that are intended to perform the associated functions without a positive recitation of a structure or action that one of ordinary skill at the time the invention was made would recognize as being necessary to achieving the recited functions. Thus, the Examiner concludes that the recited invention when taken as a whole does not define either a process or machine.

The Examiner further notes, that although the claimed invention positively recites that the "computer program for" or "code for" or "instructions for" are intended to cause a computer to perform the recited functions, since the computer is not positively recited as executing or being under the control of the "computer program for" or "code for" or "instructions for," this language is deemed to be a non-functional recitation of a nonlimiting intended field of use that may not limit the scope or meaning of the claimed invention.

Applicant's representative contacted the Examiner to determine any potential claim amendments that would overcome the claim rejections under § 101. With respect to claims 1-11, 13-15 & 17-22, the Examiner stated that a claim amendment reciting some type of use for the output twist angle would provide a concrete and tangible use sufficient to satisfy § 101. With further regard to computer readable medium claims 13, 17 and 22, the Examiner stated that amending these claims to recite that the computer executable program stored on the computer readable medium is executed by a computer would be sufficient to overcome the rejection. Accordingly, Applicant has amended the claims in a manner believed to overcome the rejection under 35 U.S.C. § 101.

In addition, Applicant has added new claims 23-28, which correspond to claims 1, 5, 13, 14, 15 and 17, respectively, to positively recite an end use for the calculated twist angle.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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